

CRIMINAL PETITION TO EXPUNGE MARIJUANA- RELATED OFFENSE RECORDS

**PURSUANT TO
A.R.S. § 36-2862
(Forms & Instructions)**

Criminal petition to expunge record of marijuana offense

Checklist

You may use the forms and instructions to ask the court to expunge your record of marijuana arrest, charge, adjudication, conviction, or sentence if . . .

- ✓ Your case was resolved in the Superior Court of Maricopa County.

AND

- ✓ You are eligible under the expungement statute (A.R.S. § 36-2862). Specifically, you want to expunge one or more of the following:
 - Possessing, consuming, or transporting two and one-half ounces or less of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
 - Possessing, transporting, cultivating, or processing not more than six marijuana plants at your primary residence for personal use.
 - Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

*marijuana includes cannabis

Do not use the forms in this packet if:

- ✗ Your charge, adjudication, conviction or sentence was from a justice, city or magistrate court. Contact that court for further information.
- ✗ You were arrested in Maricopa County, but not charged in any court. You will need to file a Civil Petition to Expunge Marijuana-related Offense Records.
- ✗ Your case was resolved in the Juvenile Department of the Superior Court of Maricopa County. You will need to file a Juvenile Petition to Expunge Marijuana-Related Offense Records.

Read me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

Criminal petition to expunge record of marijuana offense

This packet contains court forms and instructions to file for expungement of your record of marijuana offense. Items in bold are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Instructions for completing a petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

Please read the following before completing the petition form.

Who can use the petition form:

You may seek expungement of your marijuana-related criminal records by filing the petition form, if you were either arrested, charged, convicted or acquitted of any of the following offenses:

1. Possessing, consuming, or transporting two and one-half ounces or less of marijuana*, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
2. Possessing, transporting, cultivating, or processing not more than six marijuana plants at your primary residence for personal use.
3. Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

- If you are seeking expungement of case records, and you had more than one eligible offense under more than one case number, file a separate petition for each case number.

*marijuana includes cannabis

- Identify the court where you will be filing. If you will file in a municipal court or justice court, use the petition form for municipal/justice court. If you will file in the superior court, use the petition form for superior court. You can get forms to file with a municipal/justice court on the AOC website at: <https://www.azcourts.gov/prop207>

Required information:

To complete the petition, you must, at a minimum, provide the court with the following information as required by Rule 36, Arizona Rules of Criminal Procedure:

1. Your name, address, date of birth, and email address, if you have an email address;
2. A description of the offense for which you are seeking expungement as stated on the petition form;
3. The name of the law enforcement agency that arrested you for the marijuana-related offense; and
4. The court's case number if your arrest resulted in a criminal complaint being filed with the court.

- Failure to provide enough details about the records you want to have expunged may result in the court dismissing your petition. If that occurs, you may file a new petition with additional details about your records.
- The court cannot order expungement of any arresting agency records if you do not identify the arresting agency. If you were represented in court by an attorney, your defense attorney may be able to provide any information needed to fill out the petition.
- You may find information about your case on the supreme court's case lookup website (Public Access Case Lookup (azcourts.gov)): <https://apps.supremecourt.az.gov/publicaccess/>.
- In addition, the Federal Bureau of Investigation: <https://www.fbi.gov/services/cjis/identity-history-summary-checks> or the Arizona Department of Public Safety: <https://www.azdps.gov/services/public/records/criminal> may assist you.

Where to file your petition:

If you are seeking expungement of ONLY law enforcement records relating to an arrest that did not result in a criminal complaint being filed in court, then you must file your petition in the superior court located in the county where you were arrested. Otherwise, you must file your petition in the court where the case was resolved by either dismissal or conviction.

Type or print neatly using black ink. Fill out all fields required by the petition. Provide any optional information known to you.

1. At the top of the first page, type or print the name, mailing address, email address, and phone numbers of the person filing this form.
2. Inside the box print your first name, middle initial, last name, and date of birth above the line for Defendant.
3. Print the case number of the case that you want the court to expunge. If you are seeking to expunge only an arrest record, leave the case number blank, the court will assign a case number when you file your petition.
4. Fill in the other blanks and check boxes with the information requested.
5. Date and sign your name and provide the contact information requested below the signature line.

Please note: If you owe fines, fees, or other monetary penalties on other non-eligible charges in the same case for which you are seeking expungement, if the court grants your petition, you will need to ask the court for a new payment plan.

If you were convicted of a felony in superior court, and the court grants your petition and restores your civil rights, in order to be eligible to vote, you must complete and submit a new voter registration form. Please refer to your County Recorder's Office for additional questions about voter registration.

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or file this page

Procedures for submitting a criminal petition to expunge marijuana-related offense records pursuant to A.R.S. § 36-2862

Step 1: Confirm that this is the correct packet for you.

This packet should only be used if you were charged and your case was resolved in the Superior Court of Maricopa County.

This packet should not be used for cases resolved in the Juvenile Department of the Superior Court of Maricopa County.

Step 2: Complete the Petition to Expunge Marijuana-related Offense Records.

Step 3: Put documents together and separate into two (2) sets. You will need the following forms:

<p>Set 1: Originals for Clerk of Superior Court:</p> <ul style="list-style-type: none">• Petition to Expunge Marijuana-related Offense Records• Optional – Any supporting documentation	<p>Set 2: Copies for You:</p> <ul style="list-style-type: none">• Petition to Expunge Marijuana-related Offense Records• Optional – Any supporting documentation
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Step 4: Deliver or mail.

The completed petition can be filed in person, mailed, efiled, or deposited in the external depository boxes as described below. The Clerk of Superior Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m. There is no filing fee.

○ File in Person at:

Criminal File Counter

File Counter

South Court Tower
175 W. Madison Street, 12th Floor
Phoenix, AZ 85003

Southeast Regional Court Facility
222 E Javelina Avenue
Mesa, AZ 85210

- Mail to:

Clerk of Superior Court
Criminal Operations
175 W. Madison Street, 4th Floor
Phoenix, AZ 85003

- eFile via: <https://efiling.clerkofcourt.maricopa.gov/>.

- Leave in external deposit box at:

County Administration Building
4th Avenue Entrance
301 West Jefferson Street
Phoenix, AZ 85003

Southeast Facility Court Facility
South Entrance
222 East Javelina Avenue
Mesa, AZ 85210

Northeast Regional Center
Main Entrance
18380 North 40th Street
Phoenix, AZ 85032

Northwest Regional Center
Main Entrance
14264 West Tierra Buena Lane
Surprise, AZ 85374

Step 5: Wait for the Court to notify you.

- Upon filing the petition, notice of the petition will be given to the appropriate prosecutors as required by law.
- The prosecuting agency has thirty (30) days to respond to the petition.
- If you requested a hearing and a hearing is set, the Court will notify you. The petition may be ruled upon without a hearing.
- You will be mailed a signed copy of the Order granting or denying your petition at the address listed on the petition. Please be sure your current mailing address is updated with the court. If your address changes, contact the Clerk of Superior Court at (602) 372-5375.
- If you have questions before you file the petition, you can contact the Clerk of Superior Court at (602) 372-5375. If you have not received an Order after 120 days from the date you submitted your petition, you can contact Criminal Administration at (602) 506-8575.

- If the Court denies your petition, you may file a direct appeal pursuant to A.R.S. § 13-4033(A)(3).

If you have any questions regarding your rights, please refer to the Arizona Rules of Criminal Procedure and Titles 13 and 36 of the Arizona Revised Statutes located at: <https://govt.westlaw.com/azrules> and <https://www.azleg.gov/arstitle/>.

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Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for ☐ State OR ☐ Defendant

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

STATE OF ARIZONA, Plaintiff

Case Number: _____

-vs-

**PETITION TO EXPUNGE
MARIJUANA-RELATED OFFENSE
RECORDS and RESTORE CIVIL
RIGHTS, INCLUDING FIREARMS
RIGHTS, PURSUANT TO
A.R.S. § 36-2862**

DEFENDANT (First, MI, Last)

Date of Birth: _____

The above-named Petitioner, pursuant to A.R.S. § 36-2862, hereby requests that the Court order expungement of Petitioner's criminal history records and, if applicable, restoration of Petitioner's civil rights. As grounds for this petition, Petitioner states as follows:

A. REQUIRED INFORMATION

1. Eligible Charge.

I hereby request that the law enforcement and court records for the following offense, eligible under ARS § 36-2862, be expunged. (Choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense.)

- ☐ Possessing, consuming, or transporting two and one-half (2 ½) ounces or less of marijuana, of which not more than twelve and one-half (12 ½) grams was in the form of marijuana concentrate.
- ☐ Possessing, transporting, cultivating, or processing not more than six (6) marijuana plants at my primary residence for personal use.

- ☐ Possessing, using, or transporting paraphernalia relating to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or arresting law enforcement agency: _____
_____.
3. Superior Court case number: _____.

B. ADDITIONAL INFORMATION RELATED TO THE ELIGIBLE CHARGE(S)
(Complete all fields known to you)

1. I was arrested on (insert date): _____.
2. My court case began in a Justice Court: ☐ Yes ☐ No.
- If Yes, the name of the Justice Court is: _____,
and the Justice Court case number is: _____.
3. Name of prosecuting agency: _____.
4. I was convicted of the offense: ☐ Yes ☐ No.
- If Yes, insert date of the conviction here: _____.
5. One or more non-eligible charges were filed against me in this same case:
☐ Yes ☐ No.
6. My sentence included a term of probation: ☐ Yes ☐ No.
7. My case was dismissed: ☐ Yes ☐ No.
- If Yes, insert date of dismissal here: _____.
8. There is an outstanding arrest warrant in this case: ☐ Yes ☐ No.
9. There is an active payment plan on my case: ☐ Yes ☐ No.

C. SUPPORTING DOCUMENTATION (Optional)

Attached is documentation that supports my petition. (The court may find it helpful to have documents that support your request for expungement, for example, the complaint against you, judgment and sentencing order, payment plan, or any other official document showing a superior court case number, crime lab report showing weight of marijuana seized, or DPS

or FBI case extract. However, you are not required to provide any supporting documents.)

D. HEARING REQUEST

I understand that I can request a hearing on my petition, but the court may choose to proceed without a hearing. I hereby request a hearing: ☐ Yes ☐ No.

E. ACKNOWLEDGMENT REGARDING RESTORATION OF FIREARM RIGHTS

I understand that even if I am granted restoration of my civil rights, including firearm rights pursuant to this petition, I may still be prohibited from having my civil rights restored or the right to possess and carry a firearm under other state or federal laws.

DECLARATION:

I declare under penalty of perjury that the information I have provided in this petition and any attachments is true and correct to the best of my knowledge.

I understand that this petition may be dismissed if the information I have provided is insufficient. I also understand that this petition may be denied if information in this petition is found to be inaccurate.

Petitioner's Signature

Date

Petitioner's Mailing Address

Petitioner's Email Address

Petitioner's Phone Number

To the best of my knowledge, the information provided in this petition is true and correct.

Attorney's Name Printed

Attorney's signature

Attorney's Bar Number

Attorney's Mailing Address

Attorney's Phone Number and Email Address